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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlson et al.  
Assignee: Maxtor Corporation

Title: DISK DRIVE WITH IMPROVED TECHNIQUES FOR  
DETECTING HEAD FLYING HEIGHT (AS AMENDED)

Serial No.: 09/224,202 Filed: December 30, 1998

Examiner: Unknown Group Art Unit: 2753

Atty. Docket No.: 3123-233-1



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**TERMINAL DISCLAIMER**

The Assignee, Maxtor Corporation, a Delaware corporation having a place of business at 2190 Miller Drive, Longmont, Colorado, is the owner of the entire interest in the captioned-application. The Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned-application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and § 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application Serial No. 08/764,340, filed December 12, 1996. The Assignee hereby agrees that any patent so granted on the captioned-application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned-application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Assignee does not disclaim the terminal part of any patent granted on the captioned-application that would extend to the expiration date of the full



statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event any such patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Please charge the \$110 terminal disclaimer fee under 37 C.F.R. § 1.20(d) to Deposit Account No. 13-0016/233-1 and charge any underpayment or credit any overpayment to this Account.

The undersigned attorney is an attorney of record.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231,	
on <u>May 25</u> , 1999.	
<u>David M. Sigmond</u> David M. Sigmond Attorney for Applicant	<u>5, 21, 99</u> Date of Signature

Respectfully submitted,

*David M. Sigmond*

David M. Sigmond  
Attorney for Applicant  
Reg. No. 34,013  
(303) 702-4132  
(303) 678-3111 (fax)